

REMARKS

I. Election

As mentioned above, Applicants are provisionally making this election under the requirements of 35 USC §121 but do not wish to waive any rights under 35 USC 135 by making this election.

In particular, Applicants are copying claims from US 6,812,637 within one year of the November 2, 2004 issue date of the '637 patent. Applicants do not wish to file a new divisional or continuation application to pursue these new claims.

II. New Claims

Applicants are adding new claims 79-93 herewith. These claims have been copied from or are substantially similar to claims 1, 2, 5-7, 9, 10, 15, 16, 19-23 and 28 of US 6,812,637.

Please charge our deposit account 50/1039 for any fee due for these new claims.

III. Interference Suggestion

Applicants suggest the declaration of an interference between the present application and issued patent USP 6,812,637 (Cok), issued to Eastman Kodak Company.

A. Counts

Claims 1, 2, 5-7, 9 and 10 of the '637 patent correspond to Count I; new claims 79-85 of the present application correspond to Count I. Claims 15, 16, 19-23 and 28 of the '637 patent correspond to Count II; new claims 86-93 of the present application correspond to Count II.

The proposed counts are as follows:

Count I

A top emitting OLED display, comprising:

- a) a substrate;
- b) a patterned electrode formed above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;
- c) a layer of OLED material disposed above the patterned electrode;
- d) a continuous transparent electrode disposed above the layer of OLED material; and
- e) a light-absorbing auxiliary electrode that is thermally and electrically conductive and in electrical and thermal contact with the continuous transparent electrode and located over the gaps between the light emitting elements of the display.

Claim 79 of the present application corresponds exactly to Count I, and therefore, the count would have anticipated the subject matter of this claim, if the count was prior art. Dependent claims 80-85 of the present application also correspond to Count I.

Claim 1 of the '637 patent corresponds to Count I, as claim 1 is the same as Count I. Dependent Claims 2, 5-7, 9 and 10 of the '637 patent also correspond to Count I.

Count II

A method of making a light emitting OLED display, comprising the steps of:

- a) providing a substrate;
- b) forming a patterned electrode above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;
- c) disposing a layer of OLED material above the patterned electrode;
- d) disposing a continuous transparent electrode above the layer of OLED material; and
- e) locating a light-absorbing auxiliary electrode that is thermally and electrically conductive

and in electrical and thermal contact with the continuous transparent electrode over the gaps between the light emitting elements of the display.

Claim 86 of the present application corresponds exactly to Count II, and therefore, the count would have anticipated the subject matter of this claim, if the count was prior art. Dependent claims 87-93 of the present application also correspond to Count II.

Claim 15 of the '637 patent corresponds to Count II, as claim 15 is the same as Count II. Dependent claims 16, 19-23 and 28 of the '637 patent also correspond to Count II.

B. Correspondence of the Claims to Count

Applicants are providing a claim chart for each count comparing at least one claim of each party corresponding to the count and showing why the claims interfere within. Specifically, Applicants are comparing Claim 1 of the '637 patent and Claim 79 of the present application to Count I and comparing Claim 15 of the '637 patent and Claim 86 of the present application to Count II.

Claims of '637 Patent	Claims of the present application	Comparison to Count
1. A top emitting OLED display, comprising:	79. A top emitting OLED display, comprising:	Limitation identical and anticipated
a) a substrate;	a) a substrate;	Limitation identical and anticipated
b) a patterned electrode formed above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;	b) a patterned electrode formed above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;	Limitation identical and anticipated
c) a layer of OLED material disposed above the patterned electrode;	c) a layer of OLED material disposed above the patterned electrode;	Limitation identical and anticipated
d) a continuous transparent electrode disposed above the	d) a continuous transparent electrode disposed above the	Limitation identical and anticipated

layer of OLED material; and e) a light-absorbing auxiliary electrode that is thermally and electrically conductive and in electrical and thermal contact with the continuous transparent electrode and located over the gaps between the light emitting elements of the display.	layer of OLED material; and e) a light-absorbing auxiliary electrode that is thermally and electrically conductive and in electrical and thermal contact with the continuous transparent electrode and located over the gaps between the light emitting elements of the display.	Limitation identical and anticipated
15. A method of making a light emitting OLED display, comprising the steps of:	86. A method of making a light emitting OLED display, comprising the steps of:	Limitation identical and anticipated
a) providing a substrate;	a) providing a substrate;	Limitation identical and anticipated
b) forming a patterned electrode above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;	b) forming a patterned electrode above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;	Limitation identical and anticipated
c) disposing a layer of OLED material above the patterned electrode;	c) disposing a layer of OLED material above the patterned electrode;	Limitation identical and anticipated
d) disposing a continuous transparent electrode above the layer of OLED material; and	d) disposing a continuous transparent electrode above the layer of OLED material; and	Limitation identical and anticipated
e) locating a light-absorbing auxiliary electrode that is thermally and electrically conductive and in electrical and thermal contact with the continuous transparent electrode over the gaps between the light emitting elements of the display.	e) locating a light-absorbing auxiliary electrode that is thermally and electrically conductive and in electrical and thermal contact with the continuous transparent electrode over the gaps between the light emitting elements of the display.	Limitation identical and anticipated

C. Why Applicants Will Prevail On Priority

Applicants will prevail on priority for at least the following reason:

The '637 patent shows a filing date of March 13, 2003.

The '793 application was filed June 23, 2003 and is a continuation application under 35 USC

§120 of U.S. Serial No. 09/735,096 filed December 11, 2000 which claims priority under 35 USC §119 to Japanese application serial no. 11-356732 filed December 15, 1999 in Japan – which is well before the U.S. filing date of the ‘637 patent.

D. Support For New Independent Claims in Present Application

Applicants are adding new claims 68-71 to suggest the possibility of an interference with the ‘637 patent and are providing a claim chart showing the written description for independent Claims 79 and 86 in Applicants’ application as follows:

New Independent Claims of Present Application	Support in Present Application (‘793 Application)
79. A top emitting OLED display, comprising:	Fig. 1 is a top emitting OLED display.
a) a substrate;	Substrate 101 (Fig. 1; page 2, lns. 18-19).
b) a patterned electrode formed above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;	Pixel electrode 105 is a patterned electrode formed above substrate 101 and defines a plurality of light emitting elements (Fig. 1 - plurality of pixel electrodes shown) with gaps 111 (page 5, lns. 11-14 which are non-light emitting regions) between the light emitting elements (Fig. 1 - gaps between pixel electrodes).
c) a layer of OLED material disposed above the patterned electrode;	EL layer 107 is a layer of OLED material disposed above pixel electrodes 105 (Fig. 1; page 4, lns. 3-5). The OLED layer in the patent is an “organic EL layer” (col. 4, lns. 64-66). Such a material is disclosed at page 4, lns. 12-13.
d) a continuous transparent electrode disposed above the layer of OLED material; and	Anode 108 is continuous and disposed above EL layer 107 (Fig. 1; page 4, ln. 22); anode 108 is transparent (page 4, ln. 22).
e) a light-absorbing auxiliary electrode that is thermally and electrically conductive and in electrical and thermal contact with the continuous transparent electrode and located over the gaps between the light emitting elements of the display.	Metal film 109 is a light-absorbing auxiliary electrode. Film 109 is located over gaps 111 between light emitting elements (pixel electrodes) 105 (page 5, lns. 10-11). Metal film 109 functions as a light shielding film (page 5, lns. 6-7) and is light-absorbing. Since film 109 is metal, it is thermally and electrically conductive. Since film 109 is located on and in contract

	with anode 108 (continuous transparent electrode), film 109 is in electrical and thermal contact with anode 108 (Fig. 1).
86. A method of making a light emitting OLED display, comprising the steps of:	Page 2 et seq. describes a method for making a light emitting OLED display such as that shown in Fig. 1.
a) providing a substrate;	Substrate 101 (Fig. 1; page 2, lns. 18-19).
b) forming a patterned electrode above the substrate, defining a plurality of light emitting elements having gaps between the light emitting elements;	Pixel electrode 105 is a patterned electrode formed above substrate 101 and defines a plurality of light emitting elements (Fig. 1 - plurality of pixel electrodes shown) with gaps 111 (page 5, lns. 11-14 which are non-light emitting regions) between the light emitting elements (Fig. 1 - gaps between pixel electrodes).
c) disposing a layer of OLED material above the patterned electrode;	EL layer 107 is a layer of OLED material disposed above pixel electrodes 105 (Fig. 1; page 4, lns. 3-5). The OLED layer in the patent is an "organic EL layer" (Col. 4, lns. 64-66). Such a material is disclosed at page 4, lns. 12-13.
d) disposing a continuous transparent electrode above the layer of OLED material; and	Anode 108 is continuous and is disposed above EL layer 107 (Fig. 1; page 4, ln. 22); anode 108 is transparent (page 4, ln. 22).
e) locating a light-absorbing auxiliary electrode that is thermally and electrically conductive and in electrical and thermal contact with the continuous transparent electrode over the gaps between the light emitting elements of the display.	Metal film 109 is a light-absorbing auxiliary electrode located over gaps 111 between light emitting elements (pixel electrodes) 105 (page 5, lns. 10-11). Metal film 109 functions as a light shielding film (page 5, lns. 6-7) and is light-absorbing. Since film 109 is metal, it is thermally and electrically conductive. Since film 109 is located on and in contact with anode 108 (continuous transparent electrode), film 109 is in electrical and thermal contact with anode 108 (Fig. 1).

Accordingly, Applicants believe that there is interfering subject matter between the present application and the '637 patent and believe an interference should be declared. Applicants should be the senior part in this interference.

IV. Information Disclosure Statement

Applicants are filing an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action for this application.

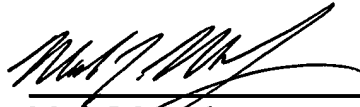
V. Conclusion

Accordingly, it is respectfully requested that this amendment and new claims herein be entered.

If any fee should be due for this amendment or the new claims, please charge our deposit account 50/1039.

Favorable consideration is earnestly solicited.

Respectfully submitted,



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